

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 22-40218

DIANNE BREWER,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING FEE APPLICATION WITHOUT PREJUDICE,  
AS PREMATURE**

This case is before the Court on a fee application filed by the attorney for the Debtor on March 21, 2022 (Docket # 29, the “Fee Application”). The fee applicant argues that “cause exists for payment of attorney fees and expenses” even though no plan has been confirmed yet in this Chapter 13 case. (Fee Application at ¶ 6.) The Court disagrees.

The Court will deny the Fee Application, without prejudice as stated below, as premature. It is premature because no Chapter 13 plan has been confirmed yet. The case is currently scheduled for a confirmation hearing to be held on April 7, 2022. (*See* Docket # 9). The case also is scheduled for a hearing, to be held on April 21, 2022, on the Debtor’s motion entitled “Motion to allow Debtors to Sell Real Property” (Docket # 28) (*See* Docket # 32).

The Fee Application does not demonstrate good cause for the Court to allow fees for the Debtor’s counsel at this time, when no Chapter 13 plan has been confirmed yet. *See generally* 11 U.S.C. § 1326(a)(2). Even if the Court granted a fee application for the Debtor’s counsel now, the Chapter 13 Trustee could not disburse any money to the Debtor’s counsel from funds on hand at this time, under § 1326(a)(2).

Accordingly,

IT IS ORDERED that the Fee Application (Docket # 29) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of the Debtor's counsel to file a new fee application, after one of the following events has occurred in this case: (1) a plan has been confirmed; (2) the case has been converted to Chapter 7; or (3) the case has been dismissed.

**Signed on March 24, 2022**



**/s/ Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**